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2
3 Entered on Docket
4 September 21, 2010

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7 
8 Hon. Mike K. Nakagawa
9 United States Bankruptcy Judge

10 WILDE & ASSOCIATES
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12 Nevada Bar No. 004417
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17 U.S. Bank, National Association
18 10-72466

19
20 **UNITED STATES BANKRUPTCY COURT**
21 **DISTRICT OF NEVADA**

22 In Re:

23 Jose Hernandez and
24 Maria L. Hernandez

25 Debtor.

26 BK-S-09-25923-mkn

27 MS Motion No. 60
28 Date: 8/25/10
29 Time: 1:30

30 Chapter 13

31 **ORDER RE ADEQUATE PROTECTION**

32 Secured Creditor's Motion for Relief from the Automatic Stay having come on for hearing
33 in the above-entitled Court, all appearances as noted on court record, and based upon all the
34 papers and pleadings on file herein and good cause appearing therefor,

1 IT IS HEREBY ORDERED, ADJUDGED and DECREED that the debtor will cure the
 2 post-petition arrearages currently due as follows:

3 7 Monthly Payments(s) at \$1,480.92	\$10,366.44
(February 1, 2010 - August 1, 2010)	
4 7 Late Charge(s) at \$59.24	\$414.68
(February 1, 2010 - August 1, 2010)	
5 Property Inspections	\$100.00
6 Corporate Advance	\$200.00
7 Motion for Relief Filing Fee	\$150.00
Attorneys Fees	\$750.00
Total	\$11,981.12

9 The total arrearage shall be paid in six monthly installments. Payments one through five
 10 (1-5) in the amount of \$1,996.86 shall be in addition to the regular monthly payment and shall be
 11 due on or before the 20th day of the month commencing with the September 20, 2010 payment
 12 and continuing throughout and concluding on or before January 20, 2011. The sixth final
 13 payment in the amount of \$1,996.82 shall be paid on or before February 20, 2011.

14 IT IS FURTHER ORDERED, ADJUDGED and DECREED that the Secured Creditor
 15 shall give Debtor at least five business days' notice of the time, place and date of sale.

16 IT IS FURTHER ORDERED, ADJUDGED and DECREED that the Debtor shall resume
 17 and maintain the regular monthly payments in a timely fashion, outside of any Bankruptcy Plan,
 18 beginning with the September 1, 2010, payment, on Secured Creditor's Trust obligation,
 19 encumbering the subject Property, generally described as 3583 San Pascual Avenue , Las Vegas,
 20 NV 89115, and legally described as follows:

21 LOT SEVEN (7) Block THREE (3) OF LOS CERRITOS ESTATES UNIT NO.1,
 22 AS SHOWN BY MAP THEREOF ON FILE IN BOOK 8 OF PLATS, PAGE 70
 IN THE OFFICE OF THE COUNTY RECORDER OF CLARK COUNTY, NEVADA.

23 IT IS FURTHER ORDERED, ADJUDGED and DECREED that if the Debtor fails to make
 24 any payments as stated in this Order, or fail to maintain the regular monthly payments on Secured
 25 Creditor's Trust Deed obligation, allowing the normal grace period, then Secured Creditor may file
 26 and serve upon Debtors and Debtors' counsel, a fifteen (15) Day Notice Declaration Re Breach of
 Condition. For each such Declaration Re Breach of Condition filed, there shall be assessed an
 attorney fees of \$100.00, to be paid by the Debtors upon

any reinstatement. If upon the sixteenth (16th) day Debtors have failed to cure the delinquency, then Secured Creditor may submit to this Court an Order vacating the automatic stay as to Secured Creditor, and Secured Creditor may thereafter proceed with foreclosure proceedings upon the subject Property, pursuant to applicable State Law, and take any action necessary to obtain complete possession thereof.

Submitted by:

WILDE & ASSOCIATES

By GREGORY L. WILDE, ESQ.
Attorneys for Secured Creditor
212 South Jones Boulevard
Las Vegas, Nevada 89107

APPROVED AS TO FORM & CONTENT:

Kathleen A. Leavitt

By Kathleen A. Leavitt
Kathleen A. Leavitt
Chapter 13 Trustee
201 Las Vegas Blvd., So. #200
Las Vegas, NV 89101

Narrah F. Newark

By Narrah F. Newark
Narrah F. Newark
Attorney for Debtors
201 LAS VEGAS BLVD., S., #350
Las Vegas, NV 89101

Nevada Bar No. _____

1 In accordance with Local Rule 9021, counsel submitting this document certifies that the order accurately
 2 reflects the court's ruling and that (check one):

3 The court has waived the requirements set forth in LR 9021(b)(1).
 4 No party appeared at the hearing or filed an objection to the motion.
 5 I have delivered a copy of this proposed order to all counsel who appeared at the hearing, and
 6 any unrepresented parties who appeared at the hearing, and each has approved or
 7 disapproved the order, or failed to respond, as indicated below [list each property and
 8 whether the party has approved, disapproved, or failed to respond to the document]:

9 I certify that this is a case under Chapter 7 or 13, that I have served a copy of this order with the
 10 motion pursuant to LR 9014(g), and that no party has objected to the form or content of the
 11 order.

12 Debtor's counsel:

13 approved the form of this order disapproved the form of this order
 14 waived the right to review the order and/or failed to respond to the document
 15 appeared at the hearing, waived the right to review the order
 16 matter unopposed, did not appear at the hearing, waived the right to review the order

17 Trustee:

18 approved the form of this order disapproved the form of this order
 19 waived the right to review the order and/or failed to respond to the document

20 This is a chapter 9, 11, or 15 case, and I have delivered a copy of this proposed order to all
 21 counsel who appeared at the hearing, and any trustee appointed in this case any unrepresented
 22 parties who appeared at the hearing, and each has approved or disapproved the order, or failed to
 23 respond, as indicated below.

24 Debtor's counsel:

25 approved the form of this order disapproved the form of this order
 26 waived the right to review the order and/or failed to respond to the document
 27 appeared at the hearing, waived the right to review the order
 28 matter unopposed, did not appear at the hearing, waived the right to review the order

29 Trustee:

30 approved the form of this order disapproved the form of this order
 31 waived the right to review the order and/or failed to respond to the document

32 I certify that I have served a copy of this order with the motion, and no parties appeared or filed
 33 written objection.

34 Submitted by:

35 /s/ Gregory L. Wilde, Esq.

36 Gregory L. Wilde, Esq.

37 Attorney for Secured Creditor